



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

**1001 G. STREET N.W., ELEVENTH FLOOR
WASHINGTON, D.C. 20001**

**TEL: 202.824.3000
FAX: 202.824.3001**

www.bannerwitcoff.com

To: John Gillon, Jr.
Company: USPRO
Fax: 1 571 273 0025
Phone: 1 571 272 3282

From: Sarah A. Kagan
Fax: 1 202 824 3751
Phone: 1 202 824 3151

FAX RECEIVED

JUL 26 2006

Re:

COURTESY COPY OF FAX AND RECEIPT SENT TO MAIN NUMBER.

Date Of Transmission: 7/26/2006 1:43:02 PM

Number Of Pages Including This Cover Sheet: 24

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CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND, OR

USPTO

7/26/2006 1:32 PM

PAGE

1/001

Fax Server

FO:Auto-reply fax to 12028243001 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 12028243001

Fax Information

Date Received:

7/26/2006 1:25:08 PM [Eastern Daylight Time]

Total Pages:

23 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

12028243001

7/26/2006 1:25:10 PM PAGE 001/023 Fax Server

BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW1001 G. STREET N.W., ELEVENTH FLOOR
WASHINGTON, D.C. 20001TEL: 202.824.3400
FAX: 202.824.3401

www.bannerwitcoff.com

To: John J. Gillon, Jr.
Company: USPTO
Fax: 1 571 273 8300
Phone: 1 571 272 3282

From: Sarah A. Kagan
Fax: 1 202 824 3751
Phone: 1 202 824 3151

Re:

COPY OR REQUEST TO WITHDRAW: WRONGFUL HOLDING OF ABANDONMENT, WITH ATTACHMENTS,
ORIGINALLY FILED 6/16/2003

Date Of Transmission: 7/26/2006 1:11:10 PM
Number Of Pages Including This Cover Sheet: 23

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CHICAGO WASHINGTON, D.C. BOSTON PORTLAND, OR
PAGE 001 REV 04/01/05 L.S. H.P. 01/01/05 B.W. 01/01/05

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re the Application of:****Shibin ZHOU *et al.*****Serial No.: 09/776,696****Filed: February 6, 2001****For: HUMAN FAST-1 GENE****Atty. Docket No.: 001107.00087****Group Art Unit: 1636****Examiner: TBA****Confirmation No.: 5642****REQUEST TO WITHDRAW HOLDING OF ABANDONMENT****VIA FACSIMILE****703-308-7751 (OIPE)****703-308-6916 (Nancy Johnson, Petitions Attorney)****Commissioner of Patents****P.O. Box 1450****Alexandria, VA 22313-1450****Sir:**

In response to the Notice of Abandonment mailed July 7, 2003, Applicants respectfully request that the Commissioner withdraw the holding of abandonment because the application should not have been held abandoned. The Notice of Abandonment indicates that the basic filing fee and surcharge were not paid. Applicants, however, submitted authorizations for payment of these fees with their timely reply to the Notice to File Missing Parts. The fees were authorized in two places: (1) on page 1 of the Response; and (2) in the fee transmittal. A copy of the Response to Notice of Missing Parts including fee transmittal authorizing payment of filing fees, sequence listing, amendment with respect to sequence listing, figures, and date stamped receipt postcard is attached.

1 of 2

Request to Withdraw Holding of Abandonment
U.S. Patent Application No. 09/776,696

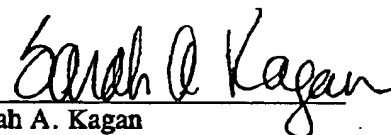
PATENT

It is believed that no fee is required with this paper, however, the Office may consider this a Petition to Revive and may charge any required fee to Deposit Account 19-0733. If there are any questions, please feel free to contact the undersigned at 202-824-3000.

Respectfully submitted,

Dated: August 19, 2003

By:


Sarah A. Kagan
Registration No. 32,141

Banner & Witcoff, Ltd.
Customer No. 22907



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/776,696	02/06/2001	Shibin Zhou	01107.00087

CONFIRMATION NO. 5642

ABANDONMENT/TERMINATION
LETTER

OC000000010437283

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

Date Mailed: 07/07/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/05/2001.

- The reply received on 10/16/2001 was improper. The reply did not include:
 - The surcharge under 37 CFR 1.16(l) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
 - The full amount of the basic filing fee under 37 CFR 1.16(a), (f), (g), or (k). *Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(f) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid.*

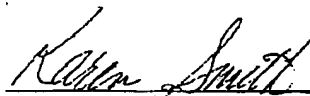
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application Of:)	Group Art Unit: 1636
)	
Shibin ZHOU)	BOX: MISSING PARTS
)	
Serial No.: 09/776,696)	
)	Docket No. 01107.00087
Filed: February 6, 2001)	
)	
For: HUMAN FAST-1 GENE)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Assistant Commissioner of Patents
Washington, D.C. 20231
Attn: Box Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts Of Non-provisional Application, dated September 5, 2001, the Applicant is hereby submitting a Request to Use Computer Readable Form and corrected drawings.

The Commissioner is authorized to charge \$750.00 to Deposit Account No. 19-0733, to cover the following:

\$370.00 - Basic Filing Fee;

\$ 63.00 - 7 total claims over 20;

\$252.00 - 6 independent claims over 3;

\$ 65.00 - Surcharge for late declaration.

U.S. Application No. 09/776,696

Attorney Docket No. 001107.00087

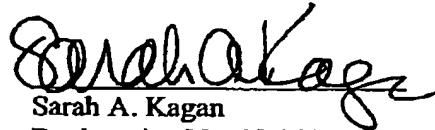
Page 2

It is believed that these fees as calculated are correct. However, if an additional fee is required, please charge Deposit Account No. 19-0733.

Respectfully submitted,

October 16, 2001

By:


Sarah A. Kagan
Registration No. 32,141

Banner & Witcoff, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 2001
(202) 508-9100

423624-1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/776,696	02/06/2001	Shibin Zhou	01107.00087

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

CONFIRMATION NO. 5642

FORMALITIES LETTER



OC00000006513112

Date Mailed: 09/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$303.
 - \$63 for 7 total claims over 20.
 - \$240 for 6 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 723.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the

application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995

persons are required to respond to a collection of information

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
It displays a valid OMB control number.**FEE TRANSMITTAL**
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 750.00

Complete if Known

Application Number	09/776,696
Filing Date	February 6, 2001
First Named Inventor	Shibin ZHOU
Examiner Name	TBA
Group / Art Unit	1636
Attorney Docket No.	001107.00087

METHOD OF PAYMENT (check one)1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐

Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other
FEE CALCULATION

1.

BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	208	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 370.00

2. **EXTRA CLAIM FEES**

				Extra Claims		Fee from below		Fee Paid
Total Claims	27	-20 **	=	7	X	9	=	63
Independent Claims	9	-3 **	=	6	X	42	=	252
Multiple Dependent					X		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	64	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or osth	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	820	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.128(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 65.00

SUBMITTED BY

Complete if applicable

Name (Print/Type)

Sarah A. Kagan

Registration No. Attorney/Agent

32,141

Telephone

202-508-9100

Signature

Date

October 16, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Shibin ZHOU

Serial No. 09/776,696

Filed: February 6, 2001

For: HUMAN FAST-1 GENE

Group Art Unit: 1636

Examiner: TBA

Attorney Docket No. 01107.00087

**AMENDMENT AND RESPONSE TO NOTICE TO
COMPLY WITH SEQUENCE LISTING RULES**Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

When filing the subject application on 6 February 2001, Applicants submitted a substitute sequence listing in paper form and asked that the computer readable form of the parent application be used for examination. A copy of these papers are attached.

IN THE SPECIFICATION:

Delete pages 29-41 and add the new sequence listing to the end of the application. Renumber pages 42-48 as pages 29-35.

STATEMENT:

The new sequence listing adds no new matter.

Respectfully submitted,

Date: October 16, 2001

By:



Sarah A. Kagan

Registration No. 32,141

BANNER & WITCOFF, LTD.
1001 G Street, N.W., Eleventh Floor
Washington, D.C. 20001-4597
(202) 508-9100

423541-1

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Shibin Zhou *et al.*

Serial No. Unassigned

Filed: February 7, 2001

For: HUMAN FAST-1 GENE

)

)

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)

)

)

)

Prior Group Art Unit: 1636

Prior Examiner: T. McKelvey

Atty. Dkt. No. 01107.00087

SEQUENCE RULES COMPLIANCE

Assistant Commissioner of Patents & Trademarks
Washington, D.C. 20231


Dear Sir:

A paper copy of a substitute sequence listing submitted in parent application U.S. Serial No. 09/113,, 309 is submitted herewith. Please use the computer readable form submitted in the parent application on 18 November 1999 for examination of the subject application.

The content of the two forms, paper and CRF, are believed to be identical.

Respectfully submitted,

02-06-01
Date


Sarah A. Kagan
Reg. No. 32,141

BANNER & WITCOFF, LTD.
1001 G Street, N.W. - Eleventh Floor
Washington, D.C. 20001-4597
Telephone: 202/508-9100

COPY

SEQUENCE LISTING

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Zawel, Leigh
Vogelstein, Bert
Kinzler, Kenneth

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65 70 75 80
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U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087

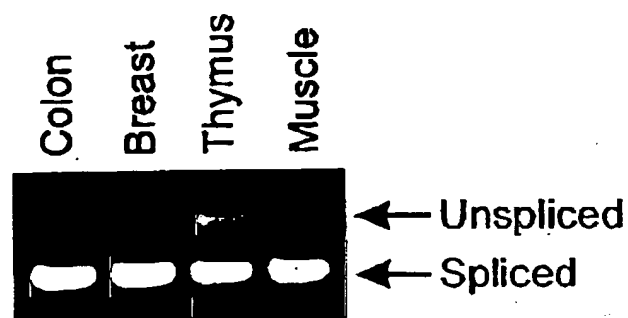
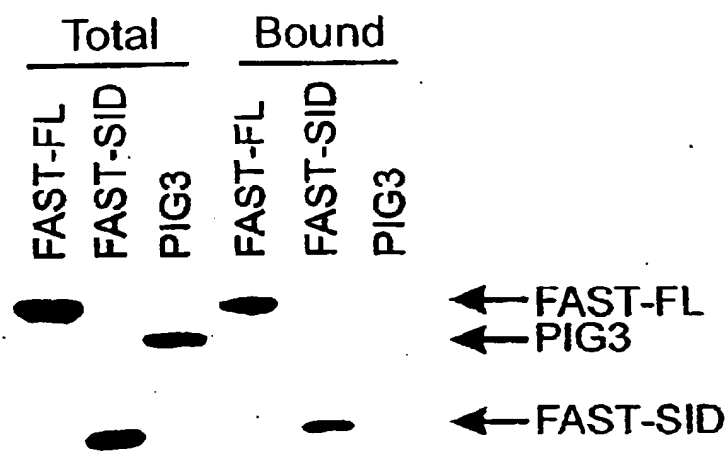
Inventor: Shubin ZHOU

Title: HUMAN FAST-1 GENE

FIG. 1

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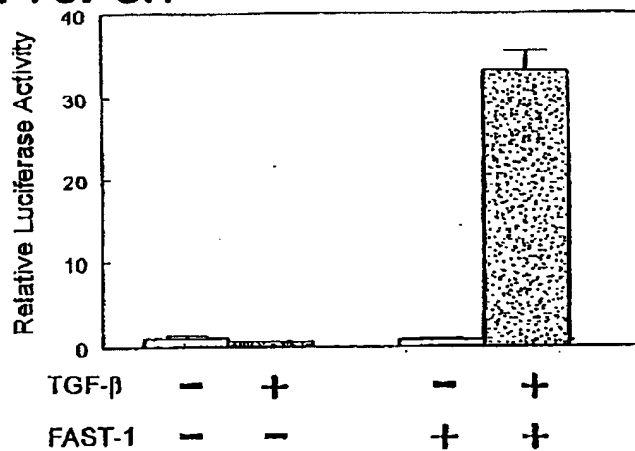
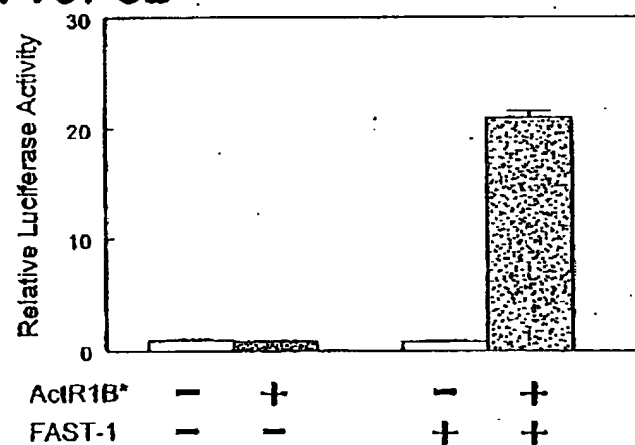
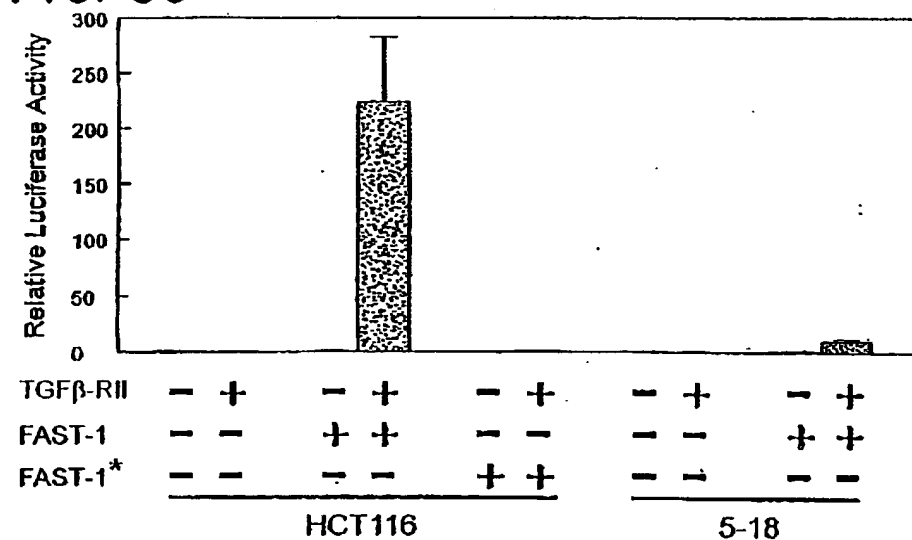
U.S. Serial No.: 09/776,696 Any. Dkt. No.: 001107.00087
Inventor: Shibin ZHOU
Title: HUMAN FAST-1 GENE

FIG. 2A**FIG. 2B**

U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087

Inventor: Shubin ZHOU

Title: HUMAN FAST-1 GENE

FIG. 3A**FIG. 3B****FIG. 3C**

☒ PATENT ☐ DESIGN B&W Ref. 001107:00087 Date 10-18-01
☐ HAND CARRY Group/Section
Serial/Patent No. 09/776696 Bldg SAK/mdd Rm
Inventor ZHOU Atty/Sec JHU
Title Human Fast-1 Gene Client JHU

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ total pp Spec., including: # of Claims
(# of independent claims): ☐ Abstract
☒ Drawings: ☒ Formal ☐ Informal
of distinct sheets: 4 Figs. 1-4
☐ Declaration/Power of Attorney: ☐ Executed ☐ Unexecuted
☐ Assignment w/PTO Cover Sheet
☐ IDS w/PTO 1449 ☐ References ☐ w/Fee
☐ Preliminary Amendment
☐ Priority Claim (Foreign or U.S. Provisional. B&W #)

Country: Appl. # Date OCT 16 2001
☐ w/Foreign Priority Document(s)
Application: ☐ CIP ☐ Continuation ☐ Divisional
Parent Ser. No. B&W#
☐ U.S. Provisional pp Spec/Claims; Cover Sheet

☒ Response to Missing Parts/Requirements: dtl
☐ Response to Notice to File Corrected Appn. Papers: dtl
☐ Request for Expedited Foreign Filing License
☐ Request for Corrected: ☐ Filing Receipt ☐ Assignment
☐ Response to Restriction/Election Requirement

☐ Sequence Listing: ☐ Diskette ☐ Paper
☒ Amendment ☐ Response: OA dtl
☐ Petition for Extension of Time until
☐ CPA ☐ RCE ☐ w/Ext of Time: OA dtl
☐ Request for Approval of Drawing Changes
☐ Notice of Appeal & Fee
☐ Brief: ☐ Appeal & Fee ☐ Reply (11)
☐ Request for Oral Hearing
☐ Issue Fee ☐ Advance Patent Copies (# ordered)
☐ Notice of Allowance dtl
☐ Amendment under 37 CFR 1.312
☐ Request for Certificate of Correction
☐ Transmittal 526 Fee Transmittal w/Auth. to Charge Deposit Acct.
☐ Certificate of Mailing
☐ Check # for \$
☐
☐
☐

B&W Rev. 5/01

1001 G. STREET N.W, ELEVENTH FLOOR
WASHINGTON, D.C. 20001



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

TEL: 202.824.3000
FAX: 202.824.3001

www.bannerwitcoff.com

To: **John J. Gillon, Jr.**
Company: **USPTO**
Fax: **1 571 273 8300**
Phone: **1 571 272 3282**

RECEIVED
CENTRAL FAX CENTER
JUL 26 2006

From: **Sarah A. Kagan**
Fax: **1 202 824 3751**
Phone: **1 202 824 3151**

Re:

COPY OR REQUEST TO WITHDRAW WRONGFUL HOLDING OF ABANDONMENT, WITH ATTACHMENTS,
ORIGINALLY FILED 8/19/2003

Date Of Transmission: 7/26/2006 1:11:30 PM
Number Of Pages Including This Cover Sheet: 23

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**RECEIVED
CENTRAL FAX CENTER****JUL 26 2006****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Shibin ZHOU *et al.*

Serial No.: 09/776,696

Filed: February 6, 2001

For: HUMAN FAST-1 GENE

Atty. Docket No.: 001107.00087

Group Art Unit: 1636

Examiner: TBA

Confirmation No.: 5642

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT***VIA FACSIMILE***

703-308-7751 (OIPE)

703-308-6916 (Nancy Johnson, Petitions Attorney)

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed July 7, 2003, Applicants respectfully request that the Commissioner withdraw the holding of abandonment because the application should not have been held abandoned. The Notice of Abandonment indicates that the basic filing fee and surcharge were not paid. Applicants, however, submitted authorizations for payment of these fees with their timely reply to the Notice to File Missing Parts. The fees were authorized in two places: (1) on page 1 of the Response; and (2) in the fee transmittal. A copy of the Response to Notice of Missing Parts including fee transmittal authorizing payment of filing fees, sequence listing, amendment with respect to sequence listing, figures, and date stamped receipt postcard is attached.

1 of 2

Request to Withdraw Holding of Abandonment
U.S. Patent Application No. 09/776,696

PATENT

It is believed that no fee is required with this paper, however, the Office may consider this a Petition to Revive and may charge any required fee to Deposit Account 19-0733. If there are any questions, please feel free to contact the undersigned at 202-824-3000.

Respectfully submitted,

Dated: August 19, 2003

By: 

Sarah A. Kagan

Registration No. 32,141

Banner & Witcoff, Ltd.
Customer No. 22907

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Page 1 of 2

JUL 26 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/776,696	02/06/2001	Shibin Zhou	01107.00087

CONFIRMATION NO. 5642

ABANDONMENT/TERMINATION
LETTER
*OC000000010437283*22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

Date Mailed: 07/07/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/05/2001.

- The reply received on 10/16/2001 was improper. The reply did not include:
 - The surcharge under 37 CFR 1.16(l) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
 - The full amount of the basic filing fee under 37 CFR 1.16(a), (f), (g), or (k). *Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid.*

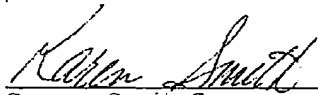
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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JUL 26 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:)	Group Art Unit: 1636
)	
Shibin ZHOU)	BOX: MISSING PARTS
)	
Serial No.: 09/776,696)	
)	Docket No. 01107.00087
Filed: February 6, 2001)	
)	
For: HUMAN FAST-1 GENE)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Assistant Commissioner of Patents
Washington, D.C. 20231
Attn: Box Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts Of Non-provisional Application, dated September 5, 2001, the Applicant is hereby submitting a Request to Use Computer Readable Form and corrected drawings.

The Commissioner is authorized to charge \$750.00 to Deposit Account No. 19-0733, to cover the following:

\$370.00 - Basic Filing Fee;
\$ 63.00 - 7 total claims over 20;
\$252.00 - 6 independent claims over 3;
\$ 65.00 - Surcharge for late declaration.

U.S. Application No. 09/776,696

Attorney Docket No. 001107.00087

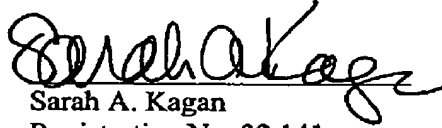
Page 2

It is believed that these fees as calculated are correct. However, if an additional fee is required, please charge Deposit Account No. 19-0733.

Respectfully submitted,

October 1st, 2001

By:


Sarah A. Kagan
Registration No. 32,141

Banner & Witcoff, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 2001
(202) 508-9100

423624-1

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JUL 26 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Shibin ZHOU)	Group Art Unit: 1636
)	
Serial No. 09/776,696)	Examiner: TBA
)	
Filed: February 6, 2001)	Attorney Docket No. 01107.00087
)	
For: HUMAN FAST-1 GENE)	

AMENDMENT AND RESPONSE TO NOTICE TO
COMPLY WITH SEQUENCE LISTING RULES

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

When filing the subject application on 6 February 2001, Applicants submitted a substitute sequence listing in paper form and asked that the computer readable form of the parent application be used for examination. A copy of these papers are attached.

IN THE SPECIFICATION:

Delete pages 29-41 and add the new sequence listing to the end of the application. Renumber pages 42-48 as pages 29-35.


STATEMENT:

The new sequence listing adds no new matter.

Respectfully submitted,

Date: October 16, 2001

By:


Sarah A. Kagan
Registration No. 32,141

BANNER & WITCOFF, LTD.
1001 G Street, N.W., Eleventh Floor
Washington, D.C. 20001-4597
(202) 508-9100

423541-1

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JUL 26 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shibin Zhou *et al.*

Serial No. Unsigned

Filed: February 7, 2001

For: HUMAN FAST-1 GENE

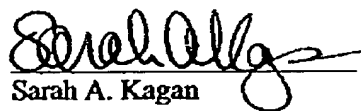
)
) Prior Group Art Unit: 1636
)
) Prior Examiner: T. McKelvey
)
)
) Atty. Dkt. No. 01107.00087SEQUENCE RULES COMPLIANCEAssistant Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

A paper copy of a substitute sequence listing submitted in parent application U.S. Serial No. 09/113,, 309 is submitted herewith. Please use the computer readable form submitted in the parent application on 18 November 1999 for examination of the subject application.

The content of the two forms, paper and CRF, are believed to be identical.

Respectfully submitted,

02-06-01
Date
Sarah A. Kagan
Reg. No. 32,141BANNER & WITCOFF, LTD.
1001 G Street, N.W. - Eleventh Floor
Washington, D.C. 20001-4597
Telephone: 202/508-9100

COPY

SEQUENCE LISTING

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Zawel, Leigh
Vogelstein, Bert
Kinzler, Kenneth

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Gly His Gln Met Pro Pro Ser His Ala Arg Ser Leu Ser Leu Ala Glu
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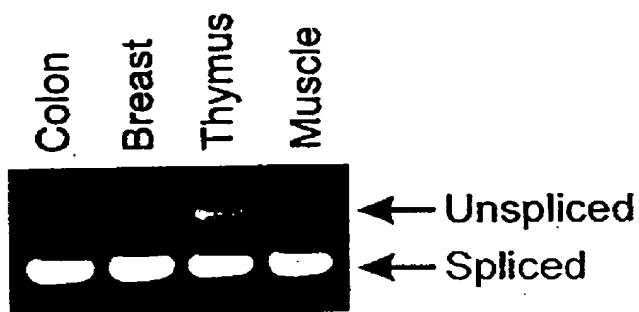
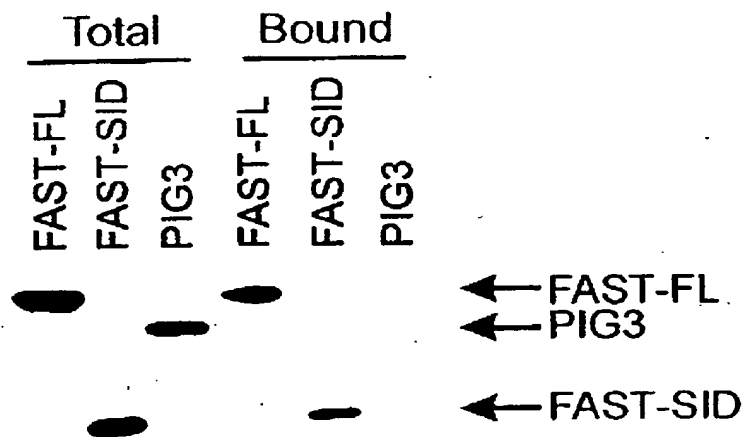
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U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087
 Inventor: Shibin ZHOU
 Title: HUMAN FAST-1 GENE

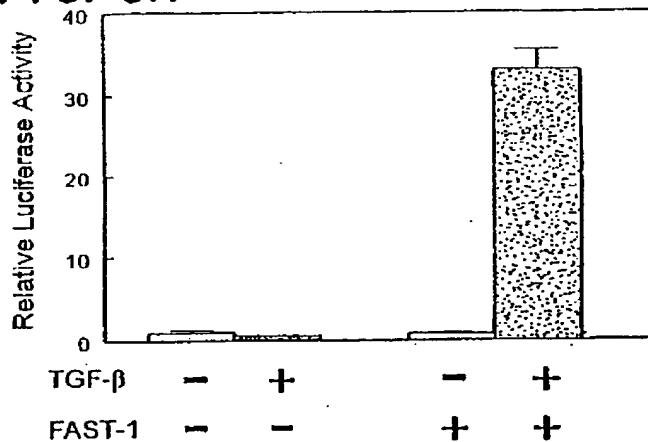
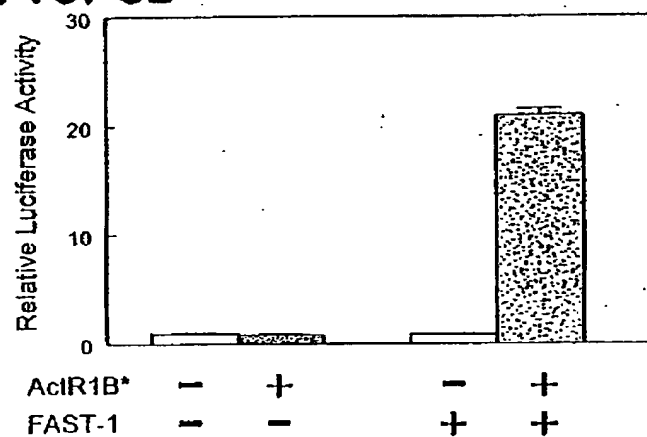
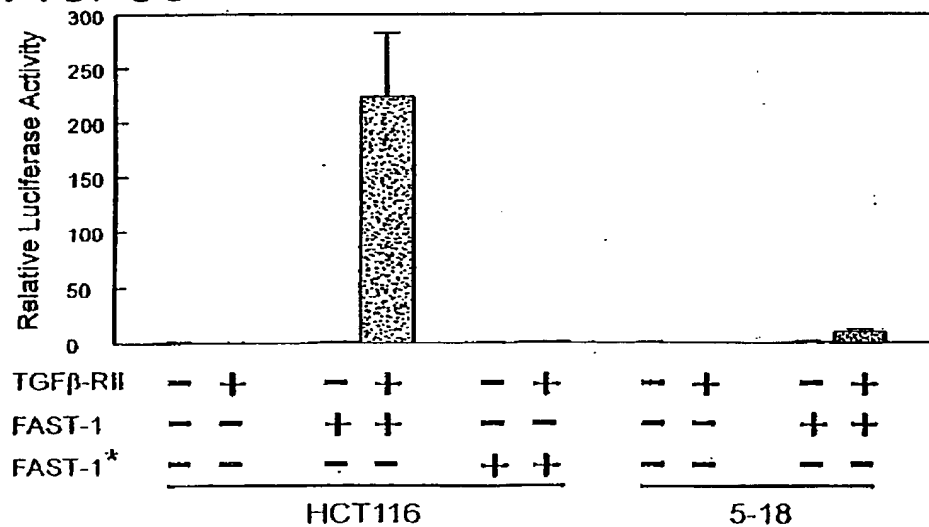
FIG. 1

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xFAST-1	FNGDYMGWKDSTRHNLSSDCEKILKDPKPKAKGNFWAMVSRITLDAI	204
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xFAST-1	KLNTALTR-----GGSDYFVQDLAPYIILHNYKvehnagayghqmpshar	250
hFAST-1	llggsggapwpglapqssvpagtgnsgeeavtpplpsserplwplcpl	222
xFAST-1	slslaedsqqtntggklntsfmidsllhdldqevldasrnlengrispav	301
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U.S. Serial No.: 09/776,696 Arr. Dkt. No.: 001107.00087
Inventor: Shibin ZHOU
Title: HUMAN FAST-I GENE

FIG. 2A**FIG. 2B**

U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087
 Inventor: Shibin ZHOU
 Title: HUMAN FAST-1 GENE

FIG. 3A**FIG. 3B****FIG. 3C**

☒ PATENT ☐ DESIGN B&W Ref. 001107.00087 Date 10-14-01
☐ HAND CARRY Group/Section _____ Bldg _____ Rm _____
Serial/Patent No. 09/776,696 Atty/Sec SAR/mdd
Inventor ZHOU Client JHU
Title Human Feet-1 Creal

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Patent fees are subject to annual revision.

Complete if Known

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Filing Date February 6, 2001
First Named Inventor Shubin ZHOU
Examiner Name TBA
Group / Art Unit 1636
Attorney Docket No. 001107.00087

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TOTAL AMOUNT OF PAYMENT (\$ 750.00)

METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																					
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>65</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td></td></tr> </tbody> </table>					Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65		127	50	227	25		139	130	139	130		147	2,520	147	2,520		112	920*	112	920*		113	1,840*	113	1,840*		115	110	215	55		116	400	216	200		117	920	217	460		118	1,440	218	720		128	1,960	228	980		119	320	219	160		120	320	220	160		121	280	221	140		138	1,510	138	1,510		140	110	240	65		141	1,280	241	640		142	1,280	242	640		143	460	243	230		144	620	244	310		122	130	122	130		123	50	123	50		126	180	126	180		581	40	581	40		146	740	246	370		149	740	249	370		179	740	279	370		169	900	169	900	
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SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Sarah A. Kagan Registration No. Attorney/Agent 32,141 Telephone 202-508-9100
Signature [Signature] Date October 16, 2001

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/776,696	02/06/2001	Shibin Zhou	01107.00087

22907

BANNER & WITCOFF

1001 G STREET N W

SUITE 1100

WASHINGTON, DC 20001

02/27/2006 MBIZUNES-00000024-09776696

01-FC:2011

150.00 DA

02-FC:2111

250.00 DA

03-FC:2311

100.00 DA

04-FC:2051

65.00 DA

05-FC:2202

175.00 DA

06-FC:2201

600.00 DA

CONFIRMATION NO. 5642

FORMALITIES LETTER



OC000000006513112

Date Mailed: 09/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01-FC:2011 150.00 DA
02-FC:2111 250.00 DA
03-FC:2311 100.00 DA
04-FC:2051 65.00 DA
05-FC:2202 175.00 DA
06-FC:2201 600.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$303.
 - \$63 for 7 total claims over 20.
 - \$240 for 6 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 723.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the

application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



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